

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, October 24, 2011

Those Present: Mr. James E. McClellan, Chairman
Mr. Charles R. Cline, Board Member
Mr. Richard E. Zimmerman, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Ms. Kathy L. Vahle, Administrator
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Olive's Restaurant** – Ms. Vahle stated that there was a request from this establishment to extend their licensed premises into the upstairs to host banquets and gatherings. The Board approved this request, subject to inspection and approval by Inspector DeLauter.
2. **J. R. Sports Bar** – Ms. Vahle stated that this establishment is requesting to include two pool tables behind the partition from the bar area and away from the dining area. The Board approved this request.
3. **Dale's Place** – Ms. Vahle stated that she received notice of a gaming violation for this establishment. She stated she will let the Board know when the appeal time has expired.
4. **Fishing Creek General Store** – Mr. Zimmerman stated that this establishment was given a Conditional Approval for October 24, 2011. The applicant is waiting for his corrected Retail Sales Tax license before the license can be issued. That is all they are waiting for.

MOTION ONE: Mr. Zimmerman made a motion to extend the Conditional Approval to November 21, 2011.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

5. **Crestwood Liquors** – Ms. Vahle stated she received a complaint from a woman whose 20 year old son was sold alcohol. The mother stated she witnessed the clerk selling to her son and is willing to testify. The Board asked Ms. Vahle to set up a Violation Hearing if the mother is willing to provide a written statement and testify. The inspector was also asked to see whether the complainant can provide a receipt for the sale of the alcohol.
6. Decision Required: Approval of the Amended Public Meeting Minutes for September 19, 2011.

The Amended Public Meeting Minutes of September 19, 2011 were approved.

MOTION: Mr. Zimmerman made a motion to approve the minutes for September 19, 2011.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. Decision Required: *Public Meeting Minutes of October 3, 2011*

Mr. Zimmerman stated he would like the Minutes to reflect for the Moose Club that the decision to reduce the fine from 25 to 10 days was made not only because they are a nonprofit but also because

of the circumstances that made them unable to elect new officers Mr. Cline agreed to include this reason.

8. **Violations** – Mr. Cline asked Ms. Vahle what other Violation Hearings were scheduled. He asked about Patrick's Irish Pub and she stated it was scheduled for November 14, 2011 and also she needed to schedule Spring Ridge Service Station.

9. Decision Required: Violation

RE: Thavy El
for the use of Cambodiana,
Inc.
t/a DJ Liquors
1306 W. Patrick Street
Frederick, Maryland 21703
Class A, Off Sale, Beer, Wine &
Liquor
License Number 11AL 1062 SU
FCLB Case Number: 4796

The attorney did not appear with the licensee. Mrs. Thall asked that the licensee call her attorney and the Board agreed to call the case again after the next violation was heard.

10. Decision Required: Violation

RE: Francisco Reluzco
for the use of D&F Auto
Service, LLC
t/a Rosehill Service Center
1561 Opossumtown Pike
Frederick, Maryland 21702
Class A, Off Sale, Beer & Light Wine
Sunday Permit
License Number 11AW 1213 SU
FCLB Case Number: 5182

The Board held a violation hearing on a charge that on June 11, 2011 either directly or through an employee, the licensee allegedly sold alcoholic beverages to a minor. Mrs. Thall swore in the licensees and potential witnesses. (See attached Sign In Sheet). The licensee pled guilty to the charge. Ms. Vahle stated that the license was issued July 2, 2008 and there have been no previous

violations.

MOTION ONE: Mr. Cline made a motion for a \$400 fine for their first offense.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

11. Decision Required: Violation

RE: Thavy El
for the use of Cambodiana,
Inc.
t/a DJ Liquors
1306 W. Patrick Street
Frederick, Maryland 21703
Class A, Off Sale, Beer, Wine &
Liquor
License Number 11AL 1062 SU
FCLB Case Number: 4796

The attorney for the licensee did not appear when the case was recalled. After a 15 minute recess, the licensee advised the Board that she could not reach her attorney. Mrs. Thall advised the Board that the licensee has filed a Bankruptcy petition.

MOTION ONE: Mr. Cline made a motion to continue the Violation Hearing until November 14, 2011 and the Board will send a letter to Mr. Heffner, Attorney, requesting his position on whether the pending charges should be stayed because of the Bankruptcy petition.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

Mr. Cline asked Mrs. Thall about the impact of the Bankruptcy filing on the Board's ability to proceed with the violation charges. Mrs. Thall explained that under the Bankruptcy Law, there is an automatic stay of certain types of legal proceedings until the Bankruptcy is resolved. She will research whether the automatic stay provision applies to this type of proceeding by the Board.

ADJOURN

The meeting was adjourned at 9:28 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees